

MAR 21 2014

DEPARTMENT OF EDUCATION
GENERAL DIVISION

CERTIFIED COPY OF THE RESOLUTION OF THE BOARD
OF EDUCATION OF
HOPE SCHOOL DISTRICT NO. 1 OF HEMPSTEAD COUNTY
ADOPTED AT THE BOARD'S REGULAR MEETING OF
MARCH 17, 2014

WHEREAS, the Board of Education of Hope School District ("Hope School Board" and "HSD") met in regular session on March 17, 2014, at 5:30 p.m., at 117 East Second Street, in Hope, Arkansas; and,

WHEREAS, HSD is subject to desegregation orders and court-approved desegregation plans regarding the effects of past inter-district racial segregation filed in *Davis v. Franks, et al.*, United States District Court, Western District of Arkansas, Texarkana Division, Case No. 88-4082, in which the plaintiffs, residents and school-aged children of HSD, sought desegregation of the public schools of Hope, Arkansas and its environs, which the plaintiffs alleged were racially segregated; and,

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013, now codified as Ark. Code Ann. §§ 6-18-1901, *et seq.*, which was duly passed by the Arkansas General Assembly; and

WHEREAS, Ark. Code Ann. §§ 6-18-1901, *et seq.* establishes a public school choice program that would allow students who are residents of HSD to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(a) provides that "[i]f the provisions of this subchapter conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern"; and,

WHEREAS, the case, orders, and plans to which this resolution refers are the various orders entered over the years in *Davis v. Franks, et al.*, United States District Court, Western District of Arkansas, Texarkana Division, Case No. 88-4082, which constitute, respectively, a district's "court-approved desegregation plan regarding the effects of past racial segregation in student assignment" and "an enforceable desegregation court order"; and,

WHEREAS, the United States District Court for the Western District of Arkansas, Texarkana Division retains supervisory jurisdiction regarding the desegregation efforts of HSD pursuant to an Order entered by United States District Judge Susan O. Hickey on May

3, 2013; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(b)(1) provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, HSD is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation; and,

WHEREAS, Hope, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and,

WHEREAS, the federal court or agency orders include the original directive from the *United States Supreme Court in Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools was unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *Davis v. Franks, et al.*, United States District Court, Western District of Arkansas, Texarkana Division, Case No. 88-4082; and,

WHEREAS, by resolution of this Board dated April 22, 2013, HSD declared itself exempt from Ark. Code Ann. §§ 6-18-1901, *et seq.* for the 2013-14 school year pursuant to Ark. Code Ann. § 6-18-1906(b)(1) and on the basis of the aforementioned federal court cases and orders, and agency mandates; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(a) applies to HSD, and even though HSD also meets the requirements necessary to declare an exemption pursuant to Ark. Code Ann. § 6-18-1906(b)(1), meeting the requirements of Ark. Code Ann. § 6-18-1906(a) probably renders declaration of the § 6-18-1906(b)(1) exemption unnecessary; and,

WHEREAS, HSD, nevertheless, in an abundance of caution declares itself exempt from participation in school choice under § 6-18-1906(b)(1); and,

WHEREAS, for these reasons, HSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Hope School District, by a vote of ____ to ____, hereby declares: That HSD remains subject to the jurisdiction of the United States District Court for the Western District of Arkansas by virtue of the orders and plans entered over the years in *Davis*; that these orders and plans meet the requirements of Ark. Code Ann. § 6-18-1906(a); that meeting the requirements of Ark. Code Ann. § 6-18-

1906(a) probably renders declaration of the § 6-18-1906(b)(1) exemption unnecessary; that nevertheless, HSD in an abundance of caution and to the extent necessary also declares itself exempt under Ark. Code Ann. § 6-18-1906(b)(1); that for these reasons HSD shall not participate in public school choice as defined by Ark. Code Ann. §§ 6-18-1901, *et seq.*; and that HSD will follow all future orders of the United States District Court for the Western District of Arkansas, Texarkana Division regarding the continuing desegregation efforts of HSD.

The Superintendent is directed to provide the Arkansas Department of Education with a copy of this resolution for notice and record-keeping purposes.

Dated this 17th day of March, 2014.

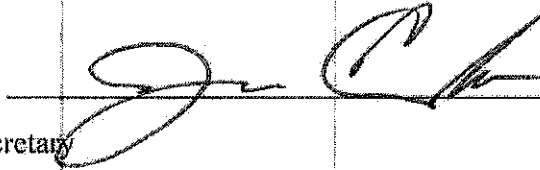


President
School District
Education

Joe Short,
Hope
Board of

CERTIFICATION

I, Jesus Coronado, Secretary of the Board of Education of Hope School District No. 1 of Hempstead County, Arkansas, hereby certify that the above and foregoing resolution was considered and adopted by said board at its regular session on March 17, 2014.



Coronado, Secretary
School District
Education

Jesus
Hope
Board of